

Exhibit H to Rabenstein Declaration

From: Timothy Shannon <tshannon@verrilldana.com>
Sent: Wednesday, June 19, 2019 4:54 PM
To: Sharkey, Lauren (CH); Rabenstein, Reba (DC); #C-M ASTELLAS - ASTELLAS V. IMSTEM - LW TEAM; spritchett@nixonpeabody.com; shansen@nixonpeabody.com; tlieberman@nixonpeabody.com
Cc: Jennifer Harrell; Ben Stern
Subject: RE: Astellas v. ImStem, No. 1:17-cv-12239-ADB (D. Mass.) - Imstem Deposition Notices

Lauren,

Both Dr. Xu and Mr. Men would like to testify in English. You're welcome to bring a translator, but we do not believe it will be necessary. We can present Dr. Xu in San Diego on July 2; I'm working with Mr. Men to see if he can come down to San Diego rather than having us go up to L.A. for his deposition on July 3.

I believe that leaves the schedule as follow:

6/20 – Lanza (Boston VD)
6/24 – Kouris (Boston VD)
?? – Lu (Boston VD)
6/27 – Chu (Boston VD)
7/2 – Xu (Latham SD)
7/3 – Men (Latham SD or LA)

It's unclear to us how you intend to handle the outstanding 30(b)(6) topics, whether by designating Lanza or someone else. As we mentioned yesterday with Dr. Kimbrel, we do not think we can depose Lanza in his individual capacity and cover all damages topics in a single day. We noticed that set of topics separately for a reason. We may not need an entire day for the 30b6 topics, but we wanted to flag the issue.

Finally, with respect to Lu, we've held off sending you a subpoena because it remains unclear whether you require one. We will want his documents; the categories should be entirely unsurprising. Let me know how you'd like to proceed vis-à-vis Dr. Lu.

Many thanks.

Tim

Timothy R. Shannon, Partner
One Portland Square
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Verrill Dana
Attorneys at Law



From: Lauren.Sharkey@lw.com [mailto:Lauren.Sharkey@lw.com]
Sent: Monday, June 17, 2019 11:17 PM
To: Timothy Shannon ; Rebecca.Rabenstein@lw.com; ASTELLASASTELLASV.IMSTEM.LWTEAM@lw.com; spritchett@nixonpeabody.com; shansen@nixonpeabody.com; tlieberman@nixonpeabody.com
Cc: Wayne Keown ; Jennifer Harrell
Subject: RE: Astellas v. ImStem, No. 1:17-cv-12239-ADB (D. Mass.) - Imstem Deposition Notices

Hi Tim,

We would propose July 2 and July 3 for Xu and Men, however we do need to know that they are going to be testifying in English before we set those dates in stone.

Thanks,

Lauren

From: Timothy Shannon <tshannon@verrilldana.com>
Sent: Monday, June 17, 2019 9:40 PM
To: Rabenstein, Reba (DC) <Rebecca.Rabenstein@lw.com>; Sharkey, Lauren (CH) <Lauren.Sharkey@lw.com>; #C-M ASTELLAS - ASTELLAS V. IMSTEM - LW TEAM <ASTELLASASTELLASV.IMSTEM.LWTEAM@lw.com>; spritchett@nixonpeabody.com; shansen@nixonpeabody.com; tlieberman@nixonpeabody.com
Cc: Wayne Keown <wkeown@verrilldana.com>; Jennifer Harrell <jharrell@verrilldana.com>
Subject: RE: Astellas v. ImStem, No. 1:17-cv-12239-ADB (D. Mass.) - Imstem Deposition Notices

Reba,

Per my email below, 10:00 is fine for the start time for the depositions, including Kimbrel. June 24 is fine for Kouris as well.

Any update on Xu and Men?

Regards,
Tim

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Office: (617) 309-2600
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From: Rebecca.Rabenstein@lw.com [mailto:Rebecca.Rabenstein@lw.com]
Sent: Monday, June 17, 2019 10:51 AM
To: Timothy Shannon <tshannon@verrilldana.com>; Lauren.Sharkey@lw.com;

ASTELLASASTELLASV.IMSTEM.LWTEAM@lw.com; spritchett@nixonpeabody.com; shansen@nixonpeabody.com; tlieberman@nixonpeabody.com

Cc: Wayne Keown <wkeown@verrilldana.com>; Jennifer Harrell <jharrell@verrilldana.com>

Subject: RE: Astellas v. ImStem, No. 1:17-cv-12239-ADB (D. Mass.) - Imstem Deposition Notices

Tim,

Please confirm that the start time for tomorrow's deposition of Dr. Kimbrel is 10 am Eastern (Dr. Kimbrel will be coming into Boston and we would like to avoid any traffic issues).

Second, can you please confirm that you are taking Dr. Kouris's deposition on Monday, June 24? Dr. Kouris will be leaving for vacation on the 25th, and will not be available again until the week of July 15.

Best,
Reba

Rebecca L. Rabenstein

LATHAM & WATKINS LLP

555 Eleventh Street, NW | Suite 1000 | Washington, D.C. 20004-1304

D: +1.202.637.2353

From: Timothy Shannon <tshannon@verrilldana.com>

Sent: Wednesday, June 12, 2019 10:30 PM

To: Sharkey, Lauren (CH) <Lauren.Sharkey@lw.com>; Rabenstein, Reba (DC) <Rebecca.Rabenstein@lw.com>; #C-M ASTELLAS - ASTELLAS V. IMSTEM - LW TEAM <ASTELLASASTELLASV.IMSTEM.LWTEAM@lw.com>;

spritchett@nixonpeabody.com; shansen@nixonpeabody.com; tlieberman@nixonpeabody.com

Cc: Wayne Keown <wkeown@verrilldana.com>; Jennifer Harrell <jharrell@verrilldana.com>

Subject: RE: Astellas v. ImStem, No. 1:17-cv-12239-ADB (D. Mass.) - Imstem Deposition Notices

Lauren,

With respect to the 30b6 topic designations, we'll get you those tomorrow. Dr. Wang will be the designee for a substantial number of the topics given his role in the project and the (small) size of the rest of Imstem.

With respect to Xu and Men, please do send along dates. We may not be able to accommodate the same location, but we're willing to try once you give us firm dates. LA and San Diego are two hour apart by car, i.e. not much more than a typical LA morning commute. Still, if we can move Men and Xu around that would suit us as well.

Wang's English is pretty good but his writing is better than his speaking. We propose giving him a realtime feed; that would be fast, sufficient, and probably avoid steno headaches. For Xu and Men you and we may want a translator. Slower, but probably necessary in Xu and Men's cases. I will check Mandarin v. Cantonese.

Can we combine Kouris and Chu on a single day or at least back to back? Neither will be a full day and we're trying to keep things efficient. 10:00 is fine as long as we can go late enough (assuming we do them back-to-back).

Please let me know who you mean by "client." I assume you mean the one in-house designated to have access to Confidential information.

Jen Harrell (cc'd) is our best contact for livenote.

Regards,

Tim

Timothy R. Shannon, Partner

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Bio: verrilldana.com/tshannon



From: Lauren.Sharkey@lw.com [mailto:Lauren.Sharkey@lw.com]

Sent: Tuesday, June 11, 2019 6:12 PM

To: Shannon, Timothy <tshannon@verrilldana.com>; Rebecca.Rabenstein@lw.com; ASTELLASASTELLASV.IMSTEM.LWTEAM@lw.com; spritchett@nixonpeabody.com; shansen@nixonpeabody.com; tlieberman@nixonpeabody.com

Cc: Keown, Wayne <wkeown@verrilldana.com>; Harrell, Jennifer <jharrell@verrilldana.com>

Subject: RE: Astellas v. ImStem, No. 1:17-cv-12239-ADB (D. Mass.) - Imstem Deposition Notices

Hi Tim,

A couple follow ups below.

ImStem Depos

As to Xu and Men – we are working on accommodating these dates and we will get back to you as soon as we can, but that being said, our offer to accommodate your schedule is contingent on having their depositions in the same location. It's not feasible to have them in San Diego and LA.

Additionally, we had mentioned disclosing 30(b)(6) designations. Can you let us know as soon as possible the topics Dr. Wang will be designated on?

Next, we understand that Wang, Xu and Men will be testifying in English, but we are willing to bring a translator to assist if there are any problems that arise during the depos. Could you let us know the first language of these individuals (Mandarin, Cantonese, etc)?

Astellas Depos

We can offer Kouris's deposition on June 24 and Chu's deposition on June 27 in Boston.

Due to traffic in the Boston area, we would propose starting Kimbrel, Lanza, Chu and Kouris's depositions at 10am to allow the witness to drive into Boston without sitting in traffic. Let us know if this works for you.

Lastly, our client would like to attend the Kimbrel, Lanza, Chu and Kouris's depositions via audio and livenote – would you mind letting us know your vendor you retain for these depositions so that we can coordinate this with them (or if there is someone in your office that would be the better point of contact.)

Thanks,

Lauren

From: Shannon, Timothy <tshannon@verrilldana.com>
Sent: Friday, June 7, 2019 6:28 PM
To: Sharkey, Lauren (CH) <Lauren.Sharkey@lw.com>; Rabenstein, Reba (DC) <Rebecca.Rabenstein@lw.com>; #C-M ASTELLAS - ASTELLAS V. IMSTEM - LW TEAM <ASTELLASASTELLASV.IMSTEM.LWTEAM@lw.com>; spritchett@nixonpeabody.com; shansen@nixonpeabody.com; tlieberman@nixonpeabody.com
Cc: Keown, Wayne <wkeown@verrilldana.com>; Harrell, Jennifer <jharrell@verrilldana.com>
Subject: RE: Astellas v. ImStem, No. 1:17-cv-12239-ADB (D. Mass.) - Imstem Deposition Notices

Lauren,

Understood on Dr. Wang and the Kimbrel and Lanza locations. I'll get back to you tomorrow regarding how we'd like to handle the 30b6 topics.

As to Xu and Men, the schedule is a little tricky. Dr. Xu is flying with his wife and children on the 26th, so having him come early is impossible. But it appears we can make him available July 1 – July 3 in San Diego. Mr. Men is available July 2-3 in L.A., and possibly June 28 or July 1 as well. In short, some combination of July 1-3 should work. June 28 and 30 are possibilities albeit more difficult. Let me know.

Regards,
Tim

Timothy R. Shannon, Partner

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Office: (617) 309-2600
Bio: verrilldana.com/tshannon



From: Lauren.Sharkey@lw.com [mailto:Lauren.Sharkey@lw.com]
Sent: Friday, June 7, 2019 12:26 PM
To: Shannon, Timothy <tshannon@verrilldana.com>; Rebecca.Rabenstein@lw.com; ASTELLASASTELLASV.IMSTEM.LWTEAM@lw.com; spritchett@nixonpeabody.com; shansen@nixonpeabody.com; tlieberman@nixonpeabody.com
Cc: Keown, Wayne <wkeown@verrilldana.com>; Harrell, Jennifer <jharrell@verrilldana.com>
Subject: RE: Astellas v. ImStem, No. 1:17-cv-12239-ADB (D. Mass.) - Imstem Deposition Notices

Hi Tim,

A couple of updates

We will accept Dr .Wang's deposition on June 14.

Also, it makes sense for the party taking the deposition to host. So we will have Dr. Wang's deposition at our Boston offices, and will present Drs. Kimbrel and Lanza at your offices.

As to Drs. Xu and Men, we understand the tricky logistics of you flying back and forth but if we could make June 25 work with Xu the next week that would be ideal. Otherwise, we will need to get back to you on how we could make July 1/2/3 happen.

Finally, we propose that 5 business days prior to an individual's deposition, the parties identify the 30(b)(6) topics that the witness will be designated for.

Please let me know as soon as you can on these matters so we can get things set.

Thanks,

Lauren

From: Shannon, Timothy <tshannon@verrilldana.com>

Sent: Wednesday, June 5, 2019 4:06 PM

To: Sharkey, Lauren (CH) <Lauren.Sharkey@lw.com>; Rabenstein, Reba (DC) <Rebecca.Rabenstein@lw.com>; #C-M ASTELLAS - ASTELLAS V. IMSTEM - LW TEAM <ASTELLASASTELLASV.IMSTEM.LWTEAM@lw.com>; spritchett@nixonpeabody.com; shansen@nixonpeabody.com; tlieberman@nixonpeabody.com

Cc: Keown, Wayne <wkeown@verrilldana.com>; Harrell, Jennifer <jharrell@verrilldana.com>

Subject: RE: Astellas v. ImStem, No. 1:17-cv-12239-ADB (D. Mass.) - Imstem Deposition Notices

Lauren,

I don't have an order set (or even in mind); I'm trying to see if some combination of July 1, 2, 3 might work.

Tim

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From: Lauren.Sharkey@lw.com [mailto:Lauren.Sharkey@lw.com]

Sent: Wednesday, June 5, 2019 3:03 PM

To: Shannon, Timothy <tshannon@verrilldana.com>; Rebecca.Rabenstein@lw.com>; ASTELLASASTELLASV.IMSTEM.LWTEAM@lw.com>; spritchett@nixonpeabody.com; shansen@nixonpeabody.com; tlieberman@nixonpeabody.com

Cc: Keown, Wayne <wkeown@verrilldana.com>; Harrell, Jennifer <jharrell@verrilldana.com>

Subject: RE: Astellas v. ImStem, No. 1:17-cv-12239-ADB (D. Mass.) - Imstem Deposition Notices

Tim,

I will follow up with the team - but just for clarity - are you saying July 1 for Men and July 2 for Xu?

Thanks,

Lauren

From: Shannon, Timothy <tshannon@verrilldana.com>

Sent: Wednesday, June 5, 2019 2:01 PM

To: Sharkey, Lauren (CH) <Lauren.Sharkey@lw.com>; Rabenstein, Reba (DC) <Rebecca.Rabenstein@lw.com>; #C-M ASTELLAS - ASTELLAS V. IMSTEM - LW TEAM <ASTELLASASTELLASV.IMSTEM.LWTEAM@lw.com>; spritchett@nixonpeabody.com; shansen@nixonpeabody.com; tlieberman@nixonpeabody.com

Cc: Keown, Wayne <wkeown@verrilldana.com>; Harrell, Jennifer <jharrell@verrilldana.com>

Subject: RE: Astellas v. ImStem, No. 1:17-cv-12239-ADB (D. Mass.) - Imstem Deposition Notices

Lauren,

The Kimbrel and Lanza dates are fine. Many thanks.

I've got emails out and am trying to coordinate Drs. Xu and Men. For cost reasons we're trying to keep them somewhat together so that I only have to make one trip out to L.A. The 12-hour time shift with Macau/Shanghai isn't helping our scheduling efforts. Apologies for the delay. Can you let me know if July 1 is an option for you?

For Dr. Wang, we would prefer June 14 if possible. Please let me know.

Tim

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Verrill Dana_{LLP}

Attorneys at Law



From: Lauren.Sharkey@lw.com [mailto:Lauren.Sharkey@lw.com]

Sent: Wednesday, June 5, 2019 2:32 PM

To: Shannon, Timothy <tshannon@verrilldana.com>; Rebecca.Rabenstein@lw.com; ASTELLASASTELLASV.IMSTEM.LWTEAM@lw.com; spritchett@nixonpeabody.com; shansen@nixonpeabody.com; tlieberman@nixonpeabody.com

Cc: Keown, Wayne <wkeown@verrilldana.com>

Subject: RE: Astellas v. ImStem, No. 1:17-cv-12239-ADB (D. Mass.) - Imstem Deposition Notices

Hi Tim,

I left you a voicemail this morning but trying to follow up on the below? In particular in regards to Mr. Men's deposition on hopefully June 25 (or even June 24), we would like to confirm as soon as we can since we have other potential conflicts arising in that time.

Thanks

Lauren

From: Sharkey, Lauren (CH) <Lauren.Sharkey@lw.com>

Sent: Monday, June 3, 2019 10:39 AM

To: Shannon, Timothy <tshannon@verrilldana.com>; Rabenstein, Reba (DC) <Rebecca.Rabenstein@lw.com>; #C-M

ASTELLAS - ASTELLAS V. IMSTEM - LW TEAM <ASTELLASASTELLASV.IMSTEM.LWTEAM@lw.com>;

spritchett@nixonpeabody.com; shansen@nixonpeabody.com; tlieberman@nixonpeabody.com

Cc: Keown, Wayne <wkeown@verrilldana.com>

Subject: RE: Astellas v. ImStem, No. 1:17-cv-12239-ADB (D. Mass.) - Imstem Deposition Notices

Tim,

We will follow up in due course on all the dates and availabilities, but initially I wanted to let you know that we can offer Dr. Kimbrel on June 18 and Dr. Lanza on June 20 (both in Boston).

Further, we would be available to take Dr. Wang's deposition on June 13. Please confirm this date.

Then as to Mr. Men and Dr. Xu – could we push Mr. Men to June 25? For Dr. Xu, June 28 is not going to work for our team – would July 2 be possible -- you had mentioned to me he might be able to be available after his conference?

Thanks,

Lauren

From: Shannon, Timothy <tshannon@verrilldana.com>

Sent: Thursday, May 30, 2019 11:28 PM

To: Rabenstein, Reba (DC) <Rebecca.Rabenstein@lw.com>; Sharkey, Lauren (CH) <Lauren.Sharkey@lw.com>; #C-M

ASTELLAS - ASTELLAS V. IMSTEM - LW TEAM <ASTELLASASTELLASV.IMSTEM.LWTEAM@lw.com>;

spritchett@nixonpeabody.com; shansen@nixonpeabody.com; tlieberman@nixonpeabody.com

Cc: Keown, Wayne <wkeown@verrilldana.com>

Subject: Astellas v. ImStem, No. 1:17-cv-12239-ADB (D. Mass.) - Imstem Deposition Notices

All,

Attached please find Imstem's deposition notices for:

1. Dr. Kimbrel (June 12)
2. Dr. Lanza (June 13)
3. 30(b)(6) – Topic Set I (June 14)
4. Dr. Chu (June 17)
5. Dr. Kouris (June 18)
6. 30(b)(6) – Topic Set II (June 19)

For purposes of the 30(b)(6) notices we have distinguished between SCRMI and Astellas, recognizing that the two plaintiffs may select a common designee for both entities. Let's find a time to talk and confirm dates and times.

Per my call earlier today, Dr. Men is available on June 26 and Dr. Xu on June 28, both in Los Angeles. I am confirming Dr. Wang's availability during the week of June 12 in Boston.

Regards,
Tim

Timothy R. Shannon, Partner

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